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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,792	09/12/2003	Hsu Ming Ta	2002-0709/24061.489	8354
42717	7590	04/24/2006	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,792

Applicant(s)

TA, HSU MING

Examiner

Thomas K. Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Response to Amendment**

1. This is in response to the amendment filed 02/13/2006.
2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

**Quotations of U.S. Code Title 35**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 102**

7. Claims 1-7, 9-12, 15-21 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,542,856 A1 ("Frantz").

#### **Regarding claims 1 and 15**

Frantz teaches a method of alerting users of real-time manufacturing production status using the World Wide Web and Internet, comprising: allowing a customer to define an alert and conditions corresponding to the alert for said real-time manufacturing production status on a World Wide Web page, setting of said alert and corresponding conditions by product, lot, stage, and production status remotely by said customer using said World Wide Web page is taught as allowing user to define an alert/alarm modular feature for displaying a list of parameters that are being monitor to be within a pre-defined conditions (see Col. 6 lines 4-27 and Col. 7 lines 13-27); checking the corresponding conditions when work in process data is updated, and sending real-time said alert automatically to said customer when said corresponding conditions are met is taught as providing user a customer notification report for checking on equipment parameters that are being monitored in an alert status (see Col. 6 lines 29-38) and enables a user to view real-time operational data of a specific plant with the alert status (see Col. 7 lines 3-12).

#### **Regarding claims 2 and 16**

Frantz teaches wherein said Web page uses a standard browser for input by said customer (see abstract).

#### **Regarding claims 3 and 17**

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Frantz teaches wherein said work in process data is updated to a central database (see abstract Col. 4 lines 44-52 and Col. 5 lines 21-25).

**Regarding claims 4 and 18**

Frantz teaches wherein the sending real-time said alert comprises sending said alert via electronic communication means (see Col. 3 lines 7-13).

**Regarding claims 5 and 19**

Frantz teaches wherein remote access is provided over said Internet controlled by user ID and password established by a server (see Col. 5 lines 2-17).

**Regarding claims 6 and 20**

Frantz teaches wherein the defining of said alerts and conditions is done on formatted said Web page that is provided by said server (see Col. 4 line 53 to Col. 5 line 3).

**Regarding claims 7 and 21**

Frantz teaches wherein said Web page visually shows in real time said customer's manufacturing production status (see Col. 7 lines 13-20).

**Regarding claims 9 and 23**

Frantz teaches wherein said server is connected to at least one database (see FIG. 1).

**Regarding claims 10 and 24**

Frantz teaches wherein said alert and corresponding conditions are stored in an alert database that is created by said server (see abstract Col. 4 lines 44-52 and Col. 5 lines 21-25).

**Regarding claims 11 and 25**

Frantz teaches wherein it is possible for a plurality of said manufacturing execution systems from a plurality of Fabs to be updating said database (see FIG. 1 and Col. 2 lines 59-66).

**Regarding claims 12 and 26**

Frantz teaches wherein each Fab has its own manufacturing execution system (see FIG. 1 and Col. 3 lines 18-25).

**Claim Rejections - 35 USC § 103**

8. Claims 8, 13-14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frantz in view of U.S. Patent Application Publication No. 2002/0198964 ("Fukazawa").

**Regarding claims 8, 13, 14 and 22**

Frantz teaches wherein said electronic communication means are Internet connected devices and telephone system connected devices (see Col. 3 lines 7-17).

Frantz does not specifically teach said input by said customer has the capability of being created, changed, and deleted, wherein said formatted Web page is in table form capable of displaying a plurality of jobs,

However, Fukazawa teaches a method of remotely monitoring and controlling a manufacturing facility through a manufacturing execution system (MES) via web pages, wherein the web pages capable of accepting input for changing equipment status, clearing alarms, releasing jobs and other production related functions (see page 4 paragraph 56) and displaying job on the web pages (see page 3 paragraph 39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the input functions of Fukazawa with the system of Frantz because it would provide for the purpose of allowing control of the manufacturing process in addition to reviewing status information (see page 1 paragraph 8).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

A handwritten signature in cursive script, appearing to read 'Tom Pham', written in black ink.

April 18, 2006